



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Friday, the 30th December, 1949

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Friday, the 30th December, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Half Past Four of the Clock, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

PRESENTATION OF THE INTERIM REPORT OF THE STATES NEGOTIATING COMMITTEE

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I beg to present the Interim Report* of the States Negotiating Committee. **THE CONSTITUENT ASSEMBLY OF PAKISTAN (INCREASE AND REDISTRIBUTION OF SEATS) (AMENDMENT) BILL.**

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I beg to introduce the Bill to amend the Constituent Assembly of Pakistan (Increase and Redistribution of Seats) Act, 1949.

The Honourable Mr. Liaquat Ali Khan : Sir, I beg to move :

"That the Bill to amend the Constituent Assembly of Pakistan (Increase and Re-distribution of Seats) Act, 1949, be taken into consideration."

It is a very simple Bill. As the Honourable Members would recollect, the Assembly passed an Act with regard to the extra number of seats that were allotted to West Punjab and Sind. There were six extra seats which were allotted. They were extra in the sense that for the number that was laid down originally for the Constituent Assembly from West Punjab on account of the increase in population, 5 extra seats were allotted to West Punjab and one extra seat was allotted to Sind. They were all Muslim seats. In section 3 of that Act it was laid down that the seats provided for in clauses (a) and (b) of sub-section (2) of section 2 shall be filled by election by the Muslim members of the Provincial Legislative Assembly of the province to which the seat or seats had been allotted according to the principle of proportional representation by means of the single transferable vote. Now, Sir, the House is aware that the West Punjab Assembly was dissolved in January this year and there has been no Assembly in that province with the result that these extra seats which were allotted to the West Punjab have not yet been filled. Since then on account of the sad death of Quaid-i-Azam, who was elected to the Constituent Assembly from West Punjab, another seat has also fallen vacant. Apart from that, there is one seat that was allotted by this Committee to the non-Muslim members of the Assembly of West Punjab. So, altogether there are 7 vacancies from West Punjab in this Constituent Assembly of Pakistan. It will be some time before the new elections for the West Punjab Assembly are completed, and at this time, when we are in the process of framing the future constitution of Pakistan, I feel that it is fair that West Punjab should be fully represented in this House, so that its views may be adequately presented before this House when we are considering the various principles with regard to the future Constitution of Pakistan.

*Appendix at end.

I have proposed an amendment to the effect that section 3 should be substituted by the following section, namely :

"The Constituent Assembly for Pakistan may make such rules not inconsistent with this Act as it thinks fit to carry the purposes of this Act into effect."

In other words, just as for filling various vacancies in the Assembly there are rules provided by this Constituent Assembly, so there would be rules provided by this Constituent Assembly for filling these seats also. At this moment all that is intended by this Bill is to give power to the Constituent Assembly to frame such rules as it thinks fit for filling these seats or, in other words, any extra seats that have already been allotted or may in future be allotted to any particular province.

I hope, Sir, the House would recognise that it is necessary to make this provision as soon as possible, so that we may be able to have the representatives from the West Punjab whose number, as I stated, is very large in view of the fact that out of altogether 18 members that have been allotted to the Punjab, there are only 11 who are members of this House today. I hope the House would accept the amendment which I have moved before this Honourable House.

Mr. President : Motion moved :

"That the Bill to amend the Constituent Assembly of Pakistan (Increase and Re-distribution of Seats) Act, 1949, be taken into consideration."

Sardar Shaukat Hyat Khan (West Punjab : Muslim) : Sir, I am most grateful to the Prime Minister for showing such concern for the representatives of the Punjab, whose vacancies have so far not been filled through the removal of the representative body of the Punjab Legislature. While the rule-making power, which is being taken by the Honourable the Prime Minister, is not vicious in itself, and the question of making rules may be quite necessary, I would want the assurance on behalf of this House and the people whom we represent that no rule will be made under this clause which will vitiate against the principle of democracy and the principle of true representation of the people whom it is intended to represent in this Assembly. There are several methods and I am sure the Mover of the Bill will look into those methods but in making those rules he must give an assurance that no person will be elected to this Assembly, unless he is on democratic basis truly representative of those six or seven million people who are to be represented here from the Punjab.

Mr. President : You yourselves will make the rules.

Sardar Shaukat Hyat Khan : Well, Sir, we will make the rules certainly, but even in this august House I hope we will not by this Act or this amendment, which has been brought forward, be given a power which we will regret ourselves later, because the question of nomination, and the question of co-option, is a thing which we fought against. We and the Honourable the Prime Minister himself and many others fought during the time of Linlithgows and Mountbattens, when they made rules to nominate people to represent in the Legislatures and bodies, which were making law for the people. We fought against it and we won our freedom from the shackles of the English rulers. Today, we do not want, after having been free from those shackles to entwine ourselves into webs which we may create ourselves and make ourselves the slaves of some other vicious principles whereby nominations to these very important and sovereign bodies are made. I am sure that the Leader of the House, who himself was the leader of that freedom movement, that revolution which created Pakistan,

would not be one who will do anything or who will let any rule come forward which will betray that revolution, for which he asked his people to make such tremendous sacrifices.

Sir, in this rule-making power there may be nothing at all. On the other hand, it may mean that a rule is made whereby the people of the Punjab are not elected by their own representatives and are nominated, or nominated by people who do not know them, who do not even belong to that part of the world. That principle, I hope, the Prime Minister will assure us will not be overlooked, because, Sir, where the question of the Punjab Assembly is concerned it is given in the Objects and Reasons of this Bill that the Punjab Assembly is no more and therefore we have to create other means. I just want to point out that there are here in this House sitting some very important personages and some unimportant ones like my friend here and myself.....

Mian Muhammad Iftikharuddin (West Punjab : Muslim) : Speak for yourself.

Sardar Shaukat Hyat Khan : Who have been returned by those very members who to-day do not represent the Punjab. Surely, some sort of method should be evolved. I do not say "Wait till the new Assembly is elected", but surely some method can be evolved whereby those very representatives who voted for these eleven or twelve people, including a Governor, a Minister, an Ambassador and no less a person than the Quaid-i-Azam himself, can also elect some more members—just seven or eight—to represent them and represent the Punjab people in this House.

With these words, Sir, I do hope that the Prime Minister will keep this in mind and no rule will be made whereby the Punjab's voice is likely to be throttled.

Mian Muhammad Iftikharuddin : Mr. President, Sir, to all appearances the Bill introduced by Mr. Liaquat Ali Khan seems to be a very harmless one but knowing the constitution of this House and the circumstances under which it came into existence, knowing the two years' history of the members of this House, it is perfectly justifiable on the part of any one amongst the public or even amongst the members to entertain suspicions with regard to the powers that we continue to appropriate to ourselves.

The Honourable Mr. Liaquat Ali Khan : Sir, on a point of order. Is the Honourable Member in order in casting aspersions on the integrity, honesty and selflessness of the Members of this House ?

Mian Muhammad Iftikharuddin : I think, Sir, I am perfectly justified in.....

Mr. President : Please do not cast aspersions on the members of this House.

Mian Muhammad Iftikharuddin : I have said that because I thought nothing on earth was infallible and being human we can make mistakes. Therefore, not only do I stand on the ordinary constitutional position in criticising ourselves but also on a commonsense position in considering ourselves as fallible beings.

Sir, to come back to what I was saying, we know that we were elected (under the ægis of a foreign Government) by an electorate which consisted of only 14 per cent. of the population of our land. Knowing that, and knowing also that we became members not even by direct election by this

[Mian Muhammad Iftikharuddin.]

14 per cent. of the total population, but by indirect election which further dilutes the democratic character of the elections. Knowing this, Sir, I have a feeling that at times.....

Mr. President : Will you please resume your seat ?

(Mian Muhammad Iftikharuddin resumed his seat.)

Mr. President : On a previous occasion you may remember that I did not allow you to cast any aspersions on this House. When you say that this House is not democratic that is casting aspersions on the House. I cannot allow you to do that.

Mian Muhammad Iftikharuddin : Well, Sir, all that I mean to say is that in exercising our autonomy—and this House is autonomous—we should not encroach upon the democracy of the people. I have a feeling that we can do that ; we can make such mistakes. Now it may be said that the rules that we shall frame will be framed by an autonomous body.....

The Honourable Mr. Liaquat Ali Khan : Not by an autonomous but a sovereign body.

Mian Muhammad Iftikharuddin : A sovereign body is even more important. My submission is, Sir, that a sovereign body in exercising its sovereignty can make mistakes because it may at times not bring into consideration the democratic aspirations of the people. Now, the fears of the people about our framing the rules are perfectly justified. We may frame such rules as go against the democratic spirit on which we stand and on which at any rate we should stand. In this Bill, of course, nothing is brought which may give an indication that the principle on which we were elected ourselves will not be followed, but I have a feeling, Sir, that we can do such things and in saying what I am saying all that I mean is this: let us beware lest we frame rules which will go against the proper representation even of a section of the people.

That is all, Sir, I want to warn this House that in framing rules we should be careful and we should bear in mind that our sovereignty, unquestioned as it is, can, if we are not on our guard, encroach upon the democracy of the people, which is far more important than the sovereignty of this House.

Mr. M. H. Gazder (Sind : Muslim) : I rise to support this Bill, but, Sir, at the same time I want to make this observation that this principle of nomination.....

The Honourable Mr. Ghulam Mohammed (East Bengal : Muslim) : Where is nomination ?

Mr. M. H. Gazder : Sir, all I want to submit is that we should make some such rule by which the sentiments of the people of the Punjab and the democratic feelings of the country should not be offended. If the Punjab has to be represented it should be the Punjabees who should select those people. Sir, we should be very careful in making the rules so that sentiments and feelings of the people concerned are not offended.

Prof. Ishtiaq Husain Qureshi (East Bengal : Muslim) : I was really distressed to hear the speeches which have been made on this Bill. I was really wondering what was being discussed. The question of framing rules is not before the House at this moment and the rules will be framed later on by this House itself. Now I do not see how if members think that this House is not representative of the people it will become more representative of the people if that particular question is raised at this stage. I think, Sir, that such Members of the House as believe that they do not represent the people have no business to be in this House. I

think it would be a very good thing for such of us as have no confidence in ourselves to resign and to seek re-election whenever the new Legislature is constituted.

Sardar Shaukat Hyat Khan : We all go together.

Prof. Ishtiaq Husain Qureshi : When members accept to be the members of this House it is quite obvious that they recognize the august nature of this House, the nature of its being a sovereign body and they also recognize the fact that this House is representative of the people. If they had no confidence in the method in which they had been elected, as Honourable Members, it was their duty not to stand for election to this House.

I am very sorry, Sir, that in this connection under the garb of saying that human beings are fallible, aspersions have been cast upon the integrity, upon the capacity and upon the honesty of this House and I, for one, greatly resent it. We are all fallible but so, are all Houses in whatsoever way they are elected. Nobody claims that a sovereign body is a body of demi-gods but it is a question of constitutional propriety that members belonging to a particular House shall not question its representative character or cast aspersions on its intentions. At the moment, Sir, the question of framing of rules was not before the House. It is not before the House. It will be put before this House which has to frame the rules. It will be possible at that time to say whether a particular rule is good or whether it is bad ; whether it furthers the privilege of the people to elect the right people or whether it takes away from them this privilege. That will be the time to discuss that question.

Sardar Shaukat Hyat Khan : Well done !

Mian Mumtaz Mohammad Khan Daulatana (West Punjab : Muslim) : It was no part of my intention to enter in this discussion today because as far as I could see, the Bill and the amendments that are being placed before the House today do not deal with the principle or the manner in which the representation for the West Punjab seats will be filled. On that point, Sir, I would only like to add to the caution that has been given by other representatives from the West Punjab that we of the Punjab would like and would insist on a form of representation in which the election of the representatives from the Punjab and the manner in which they are chosen is primarily the function of the people of the West Punjab. I put this view because it was this very democratic principle on the basis of which every single person who is present in this House today has come and we cannot permit that merely the non-existence of a particular electoral college should deprive the people of the Punjab from exercising that right. This point, Sir, is fairly clear but this is not the matter before the House at the moment and nothing more except the expression of a hope can be done for the time being.

But, Sir, certain remarks have been made during the discussion on which I think I would like to say a few words here. Sir, I want to join issue with Dr. Ishtiaq Husain Qureshi who has just made a speech. As far as I understood the speech of Mian Iftikharuddin, it was no part of his intention to cast aspersion on the dignity of the House, the honesty of this House or the integrity of this House, nor the manner in which it was elected was questioned by him as it was probably the only manner feasible at the time when it was elected. But, Sir, I think we would fail in our duty if we do not make it clear that there might be an even more democratic manner in which the true representatives of the people can be elected. Today it is not possible to deny that the gentlemen who

[Mian Mumtaz Mohammad Khan Daultana.]

fill the Provincial Assemblies in the various Provinces of Pakistan are properly elected but nevertheless it will always be our demand that instead of having a restricted franchise they should as soon as possible come through, and be elected on adult franchise as happily in the Punjab they are going to be in the future. Therefore, Sir, we cast, and nobody can dare cast, aspersion on a House which has already achieved so much and will continue to achieve a lot. Nobody, however, should be prevented from expressing a hope and desire that this House should become even more democratically elected. It should be our firm desire that we should have here representatives directly elected by all the toiling millions of this country.

Sheikh Karamat Ali (West Punjab : Muslim) : Mr. President, to begin with I bow to the sovereignty of this House but I doubt very much that any Member of this august House is going to cast aspersion on the dignity of this House. What I want to submit is that we the members from West Punjab are placed in a very awkward and embarrassing position in this matter. My friends here come from various Provinces elected by their own Provincial Legislatures whereas now we are going to say that certain friends from the Punjab should be represented in this House through some method which shall be devised later on. I agree, of course, that we are not at present discussing the manner in which they are going to come here but this thing is certainly very much precarious for us who have come here. We are here to put forward the view point of the Punjab. I am really sorry to find that without consulting us this Bill has been brought forward. It should have been circulated for eliciting public opinion. That would have saved us from various scandalous points and scandalous remarks. What should be done now since this matter has now come up. I personally feel that we from the Punjab are in a very much unguarded position as my friend Sardar Shaukat Hyat Khan put it. We are making a submission here to the Honourable Premier that some such method may be devised by means of which we actually escape from that scandalous remark that may be levelled at us. At the same time, Sir, Dr. Ishtiaq Husain Qureshi was very much fiery and vehement. He wanted that members should go and resign. He said that we should not have been here. This is too much. We should take care not to frame rules which may do permanent damage to the interest of the people in various Provinces and adopt something which may be anomalous for us. He should not have been so much fiery on that point. What my friends Mian Iftikharuddin and Sardar Shaukat Hyat Khan had done was merely to express their views with regard to the manner in which the persons should be elected. Sir, we are in a very awkward situation and find ourselves in a predicament. It is now for you, Gentlemen, to decide the most democratic method suited under the circumstances. It is for you to bring in certain people from the Punjab and in the most desirable method.

I am really asking for caution. I am submitting to you on that point that you will be good enough to take our views into consideration when you are framing the rules. Although we may be here—we shall also be here—when those rules would be framed but after all we are four or five and we hope that you would help us in framing the most suitable rule. You will consider our views sympathetically and you will not create situation in which a certain Province is going to suffer from any indifferent making of such rules. This was an expression of a hope and not casting of aspersion on the position of the House. As

we from the Punjab are directly concerned we feel our duty to point out our views. When we are going to embark on a particular legislation which may damage the reputation of this House, we must be very careful in passing such a legislation. If the Honourable the Prime Minister through you, Sir, is inclined to say that he is going to be sympathetic on that point and is going to devise some such rule later on by means of which Punjab would be guaranteed representation in a democratic way then certainly we would feel very much obliged. In no way it should be understood that it was extravagant or irresponsible. What we, of course, wanted to suggest was that there should be some such method which would revive something which is dead ; although at this belated stage it may not be in order, yet this would be devised by an Act of Parliament. Everything can be done even through the people who had returned us to this place, sent us here as members of the Constituent Assembly. They could also have done the same with regard to these four or five seats, but that was not the proper time. I would like to suggest to the Honourable Premier that some such method could be devised. I have made these few remarks merely to say that a precaution may be taken in future to see that our interests are perfectly safeguarded, as also the interests of the people who are in the Punjab.

***Begum Jahan Ara Shah Nawaz** (West Punjab : Muslim) : Mr. President, allow me, first of all, Sir, to thank heartily the Honourable the Prime Minister who has this day proposed that the quota of Punjab Seats for this House be filled up as soon as possible.

Sir, I wholeheartily support the views expressed here by my brethren as well as their proposals—by proposals I mean their request to the Prime Minister not to fill these seats by co-option because in the Punjab the majority is of such people who feel that as far as possible the Centre should not interfere much in Punjab affairs. If these seats are filled up in this way, these people will feel uneasy and they will say that the democracy for which they have sacrificed so much, is being killed in the Punjab.

Therefore, Sir, through you I shall request the Honourable the Prime Minister that some such procedure be adopted or electoral college established by which the largest possible number of the people of the Punjab may have the right to decide as to who are their real representatives and to whom they want to select to fill up the remaining seats of this august House.

My only request from you is this and I hope that some such procedure shall be evolved by which the whole quota of the Punjab representatives could be present here specially at a time when the new Constitution is being framed.

It is necessary that all the thirty million people of the Punjab are fully represented so that these representatives may be able to put forth the views of their people and may help in the framing of this constitution as members of its different Committees.

The Honourable Mr. Liaquat Ali Khan : Mr. President, Sir, if I say that I was rather surprised to hear the speeches of the Honourable Members from Punjab I would be putting it very mildly. These worthies from that great province whose hearts are bleeding for the good of the people of that province, did not have either the time or the interest of the people of that province to come forward with a measure which would secure to them the representation to which they are entitled in this House. For one full year they sat tight in their seats. They

[The Honourable Mr. Liaquat Ali Khan.]

never bothered to think whether Punjab has got the seven representatives or not. Till today they have not taken the trouble of sending any notice of any motion to this House to give representation to the people of Punjab and when I come forward with a proposition which would secure representation to the people of Punjab to which they are legally and morally entitled, I am accused that the people of Punjab do not like interference from the Centre. I think, Mr. President, it is the unkindest cut of all. Let the Honourable Members from the Punjab have the courage and say they do not want any representation, they do not want to proceed with this Bill, I shall withdraw it here and now, but let them take the responsibility for it. They would not shoulder the responsibility and if anybody else comes forward to do the work which is theirs, to look after the interests of the people whom they are representing in this House, then he is accused. This House is accused of being undemocratic, unrepresentative and fallible. Mr. President, I think that my honourable friends should sometimes forget that it is neither very honest nor very decent to be always playing to the gallery.

Sardar Shaukat Hyat Khan : No.

The Honourable Mr. Liaquat Ali Khan : If you do not want it, say so.

Sardar Shaukat Hyat Khan : We do not want it in your way.

The Honourable Mr. Liaquat Ali Khan : If you want me to withdraw this Bill I shall be the first man to withdraw it.

Sardar Shaukat Hyat Khan : Do not withdraw and let some Ministers be elected.

The Honourable Mr. Liaquat Ali Khan : Let me tell you, my friends, I have the interests of the people of the Punjab as much, if not more, as the Honourable Members from that province themselves have, because to me the interest of Pakistan as a whole is the interest of every province in this Federation ; to me the interest of each province is the interest of Pakistan. I do not look at Pakistan from this point of view that it is Punjab, it is Sind, it is Bengal, it is North-West Frontier and let me tell you, Pakistan will not last if this is the attitude of the Honourable Members from West Punjab which has been disclosed on the floor of this Honourable House.

Sir, it has been said that the rule should be such and such. There is no question of rules. It will be for the House to decide what sort of rules they want to frame. It will be for the Honourable Members to decide. I am asked by my Honourable friend Mr. Shaukat Hyat Khan that I should give an assurance that there will be such and such rule. I refuse to give any assurance to anybody. I shall abide by the decision of the majority of the Honourable Members of this House. Whatever the House will decide, I shall abide by it so long as I choose to be where I am.

Mr. President, as far as Mian Iftikharuddin is concerned, I am not going to pay him the compliment of taking notice of his remarks.

Sir, the Bill, as it is, is a very simple one. It provides for the change of a certain section in the original Act and as I said in the beginning it will be for the Honourable Members of this House to frame such rules as they think proper and I have no doubt that my Honourable friends from the Punjab will put before this Honourable House some constructive suggestions so that this House may be able to frame such rules as would be just and fair to everybody concerned, but what I do not recognise or cannot recognise is this that the House must do whatever only a few members of the House demand or desire. The House has got its own responsibility and every member of this House has got to act according to the sense of responsibility which he feels or which he

possesses and, therefore, I am not prepared to accept this that because in this House there are fewer people from some provinces and a greater number from others, therefore this House is not competent to pass any legislation, any Act, or any Order with regard to each and every province in the Federation of Pakistan. It would be a very pernicious principle if this House were to accept the position that this House as a whole has no right to do anything with any particular province because some of the members from that province, or even the majority of members from that province, do not agree with a certain proposition.

Sir, I am glad Mian Mumtaz Daultana and my friend Sheikh Karamat Ali, unlike the great champions—not champions; what shall I say—apologists of Mian Sahib.....

Mian Muhammad Iftikharuddin : I thought you were not going to take any notice of myself !

The Honourable Mr. Liaquat Ali Khan : If in the course of discussion I have to refer to an unsavoury subject, I am afraid I have to do so.

Mian Muhammad Iftikharuddin : I am sorry for having been shown that courtesy.

The Honourable Mr. Liaquat Ali Khan : They were not really very much influenced by what was said. On the contrary they accept that this House is a representative House so long as there is no alternative to it; that this House has got full authority and that there was no intention to cast any aspersions on this House. I may tell my Honourable friends here that if I ever felt—and every decent man would do that—that this House was not representative of the people of Pakistan, I would not sit in this House for one moment.

Mr. President : The question is :

“That the Bill to amend the Constituent Assembly of Pakistan (Increase and Re-distribution of Seats) Act, 1949, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. Liaquat Ali Khan : Sir, I beg to move :

“That the Bill be passed.”

Mr. President : The question is :

“That the Bill be passed.”

The motion was adopted.

MOTION RE : AMENDMENT OF CONSTITUENT ASSEMBLY RULES

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, I beg to move :

“That after Rule 6 of the Constituent Assembly Rules, the following new Rule be inserted :

‘6 A. If additional seats are created in the Assembly by an Act of the Assembly, they shall be filled in accordance with the procedure laid down in Rule 6.’”

This is only a consequential amendment to the Bill that has just been passed.

Mr. President : The question is :

"That after Rule 6 of the Constituent Assembly Rules the following new Rule be inserted :

'6 A. If additional seats are created in the Assembly by an Act of the Assembly, they shall be filled in accordance with the procedure laid down in Rule 6.'

The motion was adopted.

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, as the Report* has only been presented to the House today, I would request that this may be postponed to a subsequent meeting of the Assembly so that the Honourable members may have time to study it.

Mr. Hamidul Huq Chowdhury (East Bengal : Muslim) : May I make one enquiry ? As far as I have seen the Report—I have gone through it hurriedly—it does not indicate that the Acceding States have agreed to the participation in this Assembly on the condition that they will be bound to have the entire constitution according to the legislation of this House. I do not know what is the exact position.

The Honourable Mr. Liaquat Ali Khan : When the report is being considered, I shall be glad to take up the point.

Mr. President : Item No. 11 is postponed.

Mr. President : I do not think there is any need to hold the meeting of the Constituent Assembly tomorrow. The House stands adjourned till 4-30 P.M. on Friday, the 6th January, 1950.

The Constituent Assembly then adjourned till Half Past Four of the Clock in the Evening, of Friday, the 6th January, 1950.

APPENDIX

No. F. 24-1/48-Legis.

CONSTITUENT ASSEMBLY OF PAKISTAN

Karachi, the 20th December, 1949.

To

The President,
 Constituent Assembly of Pakistan,
 Karachi.

SUBJECT :—*Interim Report of the States Negotiating Committee.*
 SIR,

I am directed to enclose a copy of the Interim Report of the States Negotiating Committee, which I intend to present to the Constituent Assembly during its ensuing session.

I have the honour to be,

SIR,

Your most obedient servant,

LIAQUAT ALI KHAN,

Chairman,

States Negotiating Committee.

CONSTITUENT ASSEMBLY OF PAKISTAN

Interim report of the States Negotiating Committee

In pursuance of a resolution* adopted by the Constituent Assembly of Pakistan on August 11, 1947 the Honourable President, appointed† a Committee consisting of—

1. The Honourable Mr. Liaquat Ali Khan—*Chairman*,
2. The Honourable Mr. Ghazanfar Ali Khan,
3. The Honourable Sardar Abdur Rab Nishtar,
4. Khwaja Shahabuddin, and
5. The Honourable Pir Illahi Bakhsh,

to negotiate with the representatives of the Indian States regarding their participation and representation in the Constituent Assembly.

The Committee met at Karachi on December 14 and 21, 1948, September 17, 1949, and December 5, 1949.

Before the Committee could start its work Mr. Ghazanfar Ali Khan, one of its members, having been appointed Ambassador of Pakistan in Iran, resigned his office of the member of the Constituent Assembly. He, therefore, ceased to be a member of the Committee under Rule 71A (2) of the Constituent Assembly Rules, and the Honourable President of the Constituent Assembly, in exercise of the powers vested in him under Rule 70 of the said Rules, nominated the Honourable Sir Muhammad Zafrullah Khan to the Committee, who participated in its deliberations.

* Annexure "A", page 13 *infra*.

† Annexure "B", page 14 *infra*.

At its preliminary meeting the Committee discussed the basis on which representation should be given to the ‡ States that had acceded to Pakistan, but decision was postponed till the Governor of the N.W.F.P. had given his evidence before the Committee on the question of representation in the Assembly of States situated in that Province. In order to evolve a solution acceptable to all the acceding States further consideration of the question of grouping of States was postponed till the Committee had heard expert evidence on the subject.

With a view to finding out the best method for getting every State's view-point represented in the Assembly, the Governor of the N.W.F.P. and the Agent to the Governor-General in Baluchistan, were asked to give evidence before the Committee. As a result of discussion with these officers the Committee decided to deal with the acceding States in three separate groups, namely : (1) N.W.F.P., (2) Baluchistan, and (3) Bahawalpur and Khairpur.

The Committee considered it desirable that in the Constituent Assembly the States should participate in discussions on questions relating to the framing of Constitution which affected their constitutional position. The Committee accordingly requested the Governor of the N.W.F.P. and the Agent to the Governor-General in Baluchistan to find out the views of the States falling within their respective jurisdictions on the following proposals, namely :—

That Groups of States should elect one common representative to represent those States in the Constituent Assembly and that such representative shall have the right to vote and speak in the Assembly. In case this proposal did not find favour with the States they might send one representative each who shall have the right of audience but shall not be entitled to vote in the Assembly.

The Chairman of the Committee was also authorized by the Committee to carry on negotiations with the representatives of the States that had acceded to Pakistan.

As a result of these negotiations the States agreed to the following basis of representation, which the Committee approved :—

- (a) The States of Bahawalpur and Khairpur shall nominate one representative each ; and
- (b) The States of Baluchistan grouped together shall select one representative.

In respect of the N.W.F.P. States, negotiations have not yet been concluded and a separate report will be submitted later on.

So far as the method of choice of representatives was concerned, the Committee decided that—

- (a) the Governments of the States of Bahawalpur and Khairpur should nominate one representative each ; and
- (b) all the States of Baluchistan should jointly nominate one representative agreed to by the Governments of these States.

With a view to enabling the States to participate in the deliberations of the Constituent Assembly in connection with the framing of the future Constitution, the Committee recommends that necessary steps be taken to achieve the object underlying its decisions.

LIAQUAT ALI KHAN.

A. R. NISHTAR.

K. SHAHABUDDIN.

ANNEXURE

19

ANNEXURE "A"

Copy of a Resolution passed by the Constituent Assembly on August 11, 1947.

"That this Assembly resolves to authorize the President to set up Committees in such manner as he may from time to time determine for the purpose of negotiating with representatives of Indian States, Tribal Areas, Excluded and Partially Excluded Areas, regarding their participation and representation in the Constituent Assembly."

ANNEXURE "B"

States Negotiating Committee

In pursuance of the Resolution adopted by the Constituent Assembly of Pakistan on the 11th August, 1947, I appoint a Committee consisting of :—

1. The Honourable Mr. Liaquat Ali Khan—*Chairman*
2. The Honourable Mr. Ghazanfar Ali Khan,
3. The Honourable Sardar Abdur Rab Nishtar,
4. Khwaja Shahabuddin,
5. The Honourable Pir Illahi Bakhsh,

as members to negotiate with the representatives of Indian States regarding their participation and representation in the Constituent Assembly of Pakistan. The Committee shall report to the Constituent Assembly the result of such negotiations.

- (1) The Secretary of the Constituent Assembly of Pakistan shall act as Secretary of this Committee.
- (2) The date of the first meeting of the Committee shall be fixed by the Chairman.
- (3) In the absence of definite rules of procedure prescribed in this behalf by the Constituent Assembly of Pakistan, the Committee shall frame its own rules of procedure.
- (4) The quorum of the meeting of the Committee shall be three.

Sd/- M. A. Jinnah,
President,
10-10-47.

ANNEXURE " C "

Statement showing Population Figures of the States acceded to Pakistan.

State				Area in square miles	Population
1.	Bahawalpur.	..		17,494	1,341,209
2.	Khairpur	..	..	6,050	305,787
3.	Chitral		..	4,000	107,906
4.	Swat	..	..	1,800	446,014
5.	Dir			3,000	250,000
6.	Amb	..	..	174	47,910
7.	Kalat	..	..	30,726	167,073
8.	Las Bela	..		7,043	69,067
9.	Kharan	..		18,508	33,832
10.	Mekran	..	..	23,269	86,232